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Report of the United Nations Commission on International Trade Law on the work of its thirty-second session

Report of the Sixth Committee

Rapporteur: Mr. Joško **Klisović** (Croatia)

I. Introduction

1. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fourth session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-second session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 3rd, 4th and 29th meetings, on 11 and 12 October and 11 November 1999. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/54/SR.3, 4 and 29).

3. For its consideration of the item, the Committee had before it the report of the United Nations Commission on International Trade Law on the work of its thirty-second session.[1]

4. At the 3rd meeting, on 11 October, the Chairman of the United Nations Commission on International Trade Law at its thirty-second session introduced the report of the Commission on the work of that session (see A/C.6/54/SR.3).

5. At the 4th meeting, on 12 October, the Chairman of the Commission made a statement in the light of the debate (see A/C.6/54/SR.4).

[1] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 17* (A/54/17).

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II. Consideration of draft resolution A/C.6/54/L.4

6. At the 29th meeting, on 11 November, the representative of Austria, on behalf of Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Belgium, Bosnia and Herzegovina, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Guatemala, Hungary, India, the Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mexico, the Netherlands, Nigeria, Norway, Poland, Portugal, Romania, the Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, subsequently joined by Armenia, Bolivia, Bulgaria, Egypt, Haiti, Indonesia, Peru, Thailand, the former Yugoslav Republic of Macedonia, Ukraine and Venezuela, introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-second session" (A/C.6/54/L.4).

7. At the same meeting, the Committee adopted draft resolution A/C.6/54/L.4 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the United Nations Commission on International Trade Law on the work of its thirty-second session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Emphasizing the need for higher priority to be given to the work of the Commission in view of the increasing value of the modernization of international trade law for global economic development and thus for the maintenance of friendly relations among States,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the Commission on the work of its thirty-second session,[2]

Mindful of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International Law, in particular as regards the dissemination of international trade law,

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 37/106 of 16 December 1982,

Stressing the importance of the further development of the Case Law on United Nations Commission on International Trade Law Texts in promoting the uniform application of the legal texts of the Commission and its value for government officials, practitioners and academics,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its thirty-second session;[2]

2. *Commends* the Commission for the progress made in its work on receivables financing, electronic commerce, privately financed infrastructure projects and the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958;[3]

3. *Appeals* to Governments that have not yet done so to reply to the questionnaire circulated by the Secretariat in relation to the legal regime governing the recognition and enforcement of foreign arbitral awards;

4. *Invites* States to nominate persons to work with the private foundation established to encourage assistance to the Commission from the private sector;

5. *Reaffirms* the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, and in this connection:

(a) Calls upon all bodies of the United Nations system and invites other international organizations to bear in mind the mandate of the Commission and the need to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law;

(b) Recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

6. *Also reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

7. *Expresses the desirability* for increased efforts by the Commission, in sponsoring seminars and symposia, to provide such training and technical assistance, and, in this connection:

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[2] Ibid.

[3] United Nations, *Treaty Series*, vol. 330, No. 4739.

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Azerbaijan, Bahrain, Bolivia, Brazil, Bulgaria, Cameroon, China, Guatemala, Mexico, Mongolia, Peru, Romania, Venezuela and Zambia;

(b) Expresses its appreciation to the Governments whose contributions allowed the seminars and briefing missions to be organized, and appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

8. *Appeals* to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

9. *Appeals* to Governments, the relevant United Nations organs, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund for travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

10. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the fifty-fourth session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. *Requests* the Secretary-General to ensure and enhance the effective implementation of the programme of the Commission;

12. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions.

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Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Mr. Joško **Klisović** (Croatia)

I. Introduction

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the fifty-fourth session of the General Assembly pursuant to Assembly resolution 53/104 of 8 December 1998.

2. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee

3. The Sixth Committee considered the item at its 35th meeting, on 18 November 1999. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary record (A/C.6/54/SR.35).

4. For its consideration of the item, the Committee had before it the report of the Committee on Relations with the Host Country.[1]

5. At the 35th meeting, on 18 November, the Chairman of the Committee on Relations with the Host Country introduced the report of the Committee (see A/C.6/54/SR.35).

II. Consideration of draft resolution A/C.6/54/L.17

6. At the 35th meeting, on 18 November, the representative of Cyprus, on behalf of Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/54/L.17) and orally revised the fifth preambular paragraph by introducing a footnote to the words

[1] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 26* (A/54/26).

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"four additional Member States", reading: "Cuba, Hungary, Libyan Arab Jamahiriya and Malaysia".

7. At the same meeting, the Committee adopted draft resolution A/C.6/54/L.17, as orally revised, without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[2]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[3] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[4] and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Noting the spirit of cooperation and mutual understanding that has guided the deliberations of the Committee on issues affecting the United Nations community and the host country,

Noting also that the membership of the Committee has been increased by four additional Member States,[5] and welcoming their participation in the work of the Committee,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 43 of its report;[2]

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, and requests the host country to continue to take all measures necessary to prevent any interference with the functioning of missions;

3. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

4. *Notes* that during the reporting period the travel controls previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities remained in effect, and requests the host country to consider removing such travel controls, and in this regard notes the positions of affected States, of the Secretary-General and of the host country;

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[2] Ibid.

[3] Resolution 22 A (I).

[4] See resolution 169 (II).

[5] Cuba, Hungary, Libyan Arab Jamahiriya and Malaysia.

5. *Requests* the host country to continue to take steps to resolve the problem relating to the parking of diplomatic vehicles in a fair, balanced and non-discriminatory way, with a view to responding to the growing needs of the diplomatic community, and to continue to consult with the Committee on this important issue;

6. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

7. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

8. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Report of the Committee on Relations with the Host Country".